

1 Lewis Ward Littlepage  
2 **LITTLEPAGE & ASSOCIATES, P.C.**  
3 396 W. O'Brien Drive  
4 Chode Building  
5 Hagatna, Guam 96910  
6 Tel: (671) 475-1111  
7 Fax: (671) 475-1112  
8 E-Mail: [lewis@littlepagelawfirm.com](mailto:lewis@littlepagelawfirm.com)  
9 Attorney for Ms. Louela Calimlim

FILED  
DISTRICT COURT OF GUAM

MAY 14 2009

JEANNE G. QUINATA  
Clerk of Court

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF GUAM**

12 **LOUELA CALIMLIM,** ) Civil Case No. 09-00009 D  
13 Plaintiff, )  
14 vs. ) **FIRST AMENDED COMPLAINT FOR**  
15 **KING'S RESTAURANT LLC and** ) **DAMAGES UNDER TITLE VII OF**  
16 **FREDDY VANDOX SANTOS,** ) **THE CIVIL RIGHTS ACT OF 1964**  
17 **Owner of Kings Restaurant LLC,** ) **and THE CIVIL RIGHTS ACT OF**  
18 Defendants. ) **1991;**  
19 ) **JURY TRIAL DEMANDED**

20 Comes now Ms. Louela Calimlim, by and through attorney Lewis W.  
21 Littlepage of Littlepage & Associates, P.C., and does bring this amended action  
22 to enforce the provisions of Title VII of the Civil Rights Act of 1964, as  
23 amended, codified at 42 U.S.C. § 2000e *et seq.*, and the Civil Rights Act of  
24 1991, for employment discrimination based on race, sex or national origin.  
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Louela M. Calimlim vs. Kings Restaurant LLC  
Civil Case No.

Complaint for Damages Under Title VII of the Civil Rights Act of 1964 and the Civil  
Rights Act of 1991

1       1. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-  
2       5(f), 28 U.S.C. § 1331, and 28 U.S.C. § 1343.  
3

4       2. Plaintiff is, and was at all times relevant, a citizen of the  
5 Philippines on permanent U.S. resident status, resident of Guam, a female, and  
6 of Filipino origin.  
7

8       3. Upon information and belief Defendant King's Restaurant LLC is,  
9 and was at all times relevant, duly licensed to conduct business in Guam and  
10 operated out of King's Restaurant, Chalan San Antonio, in Tamuning, Guam.  
11

12       4. Defendant King's Restaurant LLC is a person within the meaning  
13 of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. §  
14 2000e(b), (c), or (d).  
15

16       5. Upon information and belief, Freddy Vandox Santos is the sole  
17 owner of King's Restaurant LLC.  
18

19       6. Defendant Freddy Vandox Santos is a person within the meaning  
20 of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. §  
21 2000e(b), (c), or (d).  
22

23       7. Defendant King's Restaurant LLC is engaged in commerce within  
24 the meaning of 42 U.S.C. § 2000e(g).  
25

26       8. Defendant Freddy Vandox Santos is engaged in commerce within  
27 the meaning of 42 U.S.C. § 2000e(g).  
28

29       9. During the course of her employment, Plaintiff was subjected to  
30 differential terms and conditions of employment because of her sex.  
31

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33 Louela M. Calimlim vs. Kings Restaurant LLC  
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35 Complaint for Damages Under Title VII of the Civil Rights Act of 1964 and the Civil  
36 Rights Act of 1991

10. The differential terms and conditions of employment and disparate treatment included sexual harassment not experienced by males or other females similarly situated.

11. On or about February 9, 2008, Plaintiff, while an employee of King's Restaurant LLC, was subjected to a strip search by the on-duty manager in the open area of the public restroom at Kings Restaurant Tamuning during hours when the restaurant was open to the public and was exposed to customers.

12. On February 10, 2008 Plaintiff notified the manager/owner Freddy Vandox Santos, who took no action to correct the disparate treatment.

13. Defendants King's Restaurant LLC and Freddy Vandox Santos, by their actions and lack of remedial actions, created a work hostile environment.

14. On February 15, 2008, Plaintiff resigned due to constructive discharge.

15. Defendant King's Restaurant LLC discriminated against Ms. Louela Calimlim on the basis of her sex, Female, in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a)(1), among other ways, by:

(a) creating and maintaining a hostile work environment sufficiently severe or pervasive to alter the terms, conditions or privileges of Ms. Calimlim's employment;

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(b) failing or refusing to take prompt or adequate remedial action in response to the hostile work environment and sexual harassment complaints of Ms. Louela Calimlim.

16. Defendant Freddy Vandox Santos discriminated against Ms. Louela Calimlim on the basis of her sex, Female, in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a)(1), among other ways, by:

(a) creating and maintaining a hostile work environment sufficiently severe or pervasive to alter the terms, conditions or privileges of Ms. Calimlim's employment;

(b) failing or refusing to take prompt or adequate remedial action in response to the hostile work environment and sexual harassment complaints of

17. Defendants acted with malice or with reckless and callous indifference to the federally protected rights of the aggrieved Plaintiff.

18. Ms. Louela Calimlim timely filed a charge of discrimination with the EEOC, EEOC Charge No. 486-2008-00208, in which she alleged that she had been discriminated against during her employment with the King's Restaurant. Pursuant to § 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC issued Ms. Louela Calimlim a Right to Sue letter (attached) dated March 2, 2009, which was received on March 6, 2009.

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1       19. All conditions precedent to the filing of this suit have been  
2 performed or have occurred.  
3

4       **WHEREFORE**, plaintiff prays as follows:  
5

6       1. That Defendants King's Restaurant LLC and Freddy Vandox  
7 Santos be found to have violated the provisions of Title VII of the Civil Rights  
8 Act of 1964 and the Civil Rights Act of 1991 by subjecting Plaintiff to sexual  
9 harassment during her employment;

10      2. That Defendants King's Restaurant LLC and Freddy Vandox  
11 Santos be found to have violated (28 U.S.C § 1875) by creating a hostile work  
12 environment so as to cause Plaintiff's constructive termination from her  
13 employment;

14      3. That Defendants King's Restaurant LLC and Freddy Vandox  
15 Santos be ordered to provide sufficient remedial relief to make whole Ms.  
16 Louela Calimlim for the loss she has suffered as a result of the discrimination  
17 against her as alleged in this complaint; and

18      4. That Defendants King's Restaurant LLC and Freddy Vandox  
19 Santos be ordered to take other appropriate nondiscriminatory measures to  
20 overcome the effects of the discrimination.

21      5. For compensatory damages to Ms. Louela Calimlim as would fully  
22 compensate her for injuries caused by the defendants' discriminatory conduct,

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Rights Act of 1991

1 pursuant to and within the statutory limitations of § 102 of the Civil Rights Act  
2 of 1991, 42 U.S.C. § 1981a.  
3

4 6. For punitive damages in the amount of \$3,000,000 to be awarded  
5 to Ms. Louela Calimlim as Defendants engaged in discriminatory practice or  
6 discriminatory practices with malice or with reckless and callous indifference  
7 to the federally protected rights of Plaintiff.  
8

9 7. For such additional relief as justice may require, together with  
10 plaintiff's costs and disbursements in this action.  
11

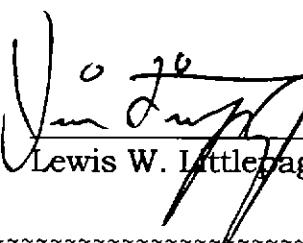
12 8. For any and all other relief to which she may be entitled, in law or  
13 equity.  
14

15 9. For attorney fees and costs of suit.  
16

17 **JURY DEMAND**  
18

19 Ms. Louela Calimlim hereby demands a trial by jury of all issues so  
20 triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and § 102 of  
21 the Civil Rights Act of 1991, 42 U.S.C. § 1981a.  
22

23 Respectfully submitted this 7<sup>th</sup> day of May, 2009.  
24

25 26 27 28 LITTLEPAGE & ASSOCIATES, P.C.  
29  
30 By:   
31 Lewis W. Littlepage, Esq.  
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